<u>REMARKS</u>

Claims 1-23 and 25-38 are currently pending in the subject application and are presently under consideration. Claims 1, 25, 27, 28, 34 and 38 have been amended to better position the claims for appeal. As such, applicants' representative respectfully requests entry of these amendments. In addition, claims 6, 10, and 11 have been cancelled.

Applicants' representative thanks Examiner Heffington for the courtesies extended during the telephonic interviews conducted on October 15, 2007. Examiner was contacted to discuss the claim objection and rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a). During the interview a set of amendments were presented that are believed to address all of the claim objection and rejections identified in the Office Action. These amendments have been incorporated into the claims as shown above. Examiner indicated that discussion with his supervisor and further search and consideration was required to determine if the claims would be allowed over the cited prior art.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   **Objection of Claim 27**

Claim 27 stands objected to because the word display is spelled improperly. Claim 27 has been amended to correct this issue. Accordingly, this objection should be withdrawn.

II.   **Objection of Claims 6, 10, 11 and 38 Under 37 CFR 1.75**

Claims 6, 10, 11 and 38 stand objected to under 37 CFR 1.75 as being a substantial duplicate of claims 1 and 34. Claims 6, 10 and 11 have been cancelled. Claim 38 is dependent claim 37 and has been amended to clarify the limitation is related to a change of state, not the current state and therefore is not a duplicate. Therefore, this objection should be withdrawn.

III.   **Rejection of Claims 1-5, 10-14, 20, 21 and 25 Under 35 U.S.C. §102(b)**

Claims 1-5, 10-14, 20, 21 and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Cowart (Mastering Windows 95). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Cowart does not teach each and every element of the subject invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject claims relate to controlling display of grouped items as a single group icon or individual icons. A property can be assigned to the group that determines how the items within the group are displayed when viewed from outside of the group. For example, a group can be assigned an unpacked property that causes the individuals items within the group to be displayed as individual items when viewed from outside the group. On the other hand a group can be assigned a packed property that causes the individuals items within the group to be displayed as a single display item when viewed from outside the group. In particular, independent claim 1 (and similarly independent claim 25) recites *a sorting component to determine categories relating to one or more items for display; and a cluster component that groups the categories according to discretized states in order to control visible output to the display, the state is assigned as a property to each grouped category, wherein the states include at least a packed state that causes items in the grouped categories to be displayed as a single icon when viewed from any higher level hierarchical folder outside of the grouped categories and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from any higher level hierarchical folder outside of the grouped categories*.

Cowart does not teach or suggest the aforementioned novel features as recited in the subject claims. The cited reference is silent regarding discretized states that control visible display of the grouped data items. Cowart discloses the traditional hierarchical folder display, where items are only displayed when the folder that contains the items is selected. The Office Action dated August 16, 2007 asserts that use of a shortcut discloses the packed and unpacked states recited in the subject claims. However, a shortcut is a separate object which may contain a pointer to an item. If the item being pointed to gets deleted, the shortcut object still remains. The shortcut is not a state of display as taught in the claim, but is the creation of shortcut objects

in every location from which the item being pointed to is to be accessed. Furthermore, a shortcut would need to be created for each item within each folder at each level in the folder hierarchy above the folder containing the items, in order to simulate the unpacked state represented by the property assigned to the group. Going back to the packed state would require deletion of all of the shortcut objects that were created for each individual item and then creating a shortcut to the folder containing the items at each level in the folder hierarchy above the folder containing the items. In fact, Cowart is silent regarding the packed and unpacked states as described above. The subject claims allow items within a sub-folder to be displayed as individual items when a higher level folder is selected if the sub-folder is given the unpacked state. The subject claims also allow items within a sub-folder to be displayed as a group represented by a single icon when a higher level folder is selected if the sub-folder is given the packed state. The assignment of the state property of the group controls display of the group and items within the group for the packed and unpacked state. This provides a simple way of controlling the display of the group and items in the group without having to be aware of the creation, deletion, and moving of the group or higher level folders. Therefore, Cowart fails to teach or suggest the state is assigned as a property to each grouped category, states that include at least a packed state that causes items in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories.

In view of the foregoing, applicants' representative respectfully submits that Cowart fails to teach or suggest all limitations of independent claims 1, and 25 (and claims 1-5, 10-14, 20, 21 and 24 that depend there from), and thus fails to anticipate the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

IV.   Rejection of Claims 6, 15, 22, 23, 26 and 27 Under 35 U.S.C. §103(a)

Claims 6, 15, 22, 23, 26 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cowart (Mastering Windows 95). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Cowart does not teach each and every element of the subject invention as recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 6, 15, 21, 22, 23, 26 and 27 depend from independent claims 1 and 25 respectivly. As noted *supra,* Cowart does not teach or suggest *states include at least a packed state that causes items in the grouped categories to be displayed as a single icon when viewed from any higher level hierarchical folder outside of the grouped categories and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from any higher level hierarchical folder outside of the grouped categories* as recited in independent claim 1 (and similarly independent claim 25).

In view of at least the foregoing discussion, applicant's representative respectfully submits that Cowart fails to teach or suggest all limitations of applicant's invention as recited in independent claims 1 and 25 (and claims 6, 15, 21, 22, 23, 26 and 27 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. Thus, withdrawal of this rejection is respectfully requested.

V.   Rejection of Claims 28-31 Under 35 U.S.C. §103(a)

Claims 28-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa, *et al.* (US 6,513,038). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Hasegawa, *et al.* does not teach each and every element of the subject invention as recited in the subject claims.

Independent claim 28 recites *determining packed or unpacked states for a collection of data items; grouping the data items according to the determined states; displaying items that*

have been grouped and are associated with packed states as a single item in the display when viewed from any higher level hierarchical structural location outside of the group; displaying items that are grouped and are associated with unpacked states as individual items in the display when viewed from any higher level hierarchical structural location outside of the group. Hasegawa, *et al.*, like Cowart, does not teach or suggest the aforementioned novel features as recited in the subject claims. As conceded in the Office Action dated August 16, 2007, the cited reference is also silent regarding discretized states that control visible display of the grouped data items in packed or unpacked states. Hasegawa, *et al.* discloses virtual hierarchical file structure that employs database view technology to construct application specific directory structures. The customized directory structure is displayed in a traditional hierarchical tree structure that is navigable up or down. The cited reference fails to disclose packed and unpacked states as taught in the subject claim. The Office Action asserts that it would have been obvious to one skilled in the art at the time of the invention to use an attribute to define a packed and unpacked state. However, the Office Action fails to disclose a reference that discloses the packed and unpacked display states as recited in the subject claims. Applicants respectfully traverse the aforementioned well known statements and request that the Examiner cite a reference in support of his position pursuant to MPEP 2144.03 if the rejection of the independent claims is maintained. Hasegawa, *et al.* fails to teach or suggest states that include at least a packed state that causes items in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories.

In view of at least the foregoing discussion, applicant's representative respectfully submits that Hasegawa, *et al.* fails to teach or suggest all limitations of applicant's invention as recited in independent claim 28 (and claims 29-31 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. As such, withdrawal of this rejection is respectfully requested.

VI.   Rejection of Claims 7, 8, 16-19 and 34-38 Under 35 U.S.C. §103(a)

Claims 7, 8, 16-19 and 34-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cowart (Mastering Windows 95) in view of Hasegawa, *et al.* (US 6,513,038).

It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Cowart and Hasegawa, *et al.* do not teach each and every element of the subject invention as recited in the subject claims.

Claims 7, 8 and 16-19 depend from independent claim 1. Independent claim 34 (similarly to independent claims 1 and 28) recites *a first data field related to at least one group property associated with a subset of data items for display, wherein the group property includes at least a packed state that causes data items in the subset to be displayed as a single icon when viewed from any higher level folder outside of the subset and an unpacked state that causes each data item in the subset to be displayed as an individual icon when viewed from any higher level folder outside of the subset; a second data field for the data items; and a third data field to control how the data items are to be directed to a computerized display.* As noted supra, with respect to independent claims 1 and 28, Cowart and Hasegawa, *et al.* fails to teach these novel features as discussed above in relation to the similar limitations of independent claims 1 and 28.

In view of at least the foregoing discussion, applicant's representative respectfully submits that Cowart and Hasegawa, *et al.*, alone or in combination fails to teach or suggest all limitations of applicant's invention as recited in independent claim 1 and 34 (and claims 7, 8, 16-19 and 35-38 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. Therefore, withdrawal of this rejection is respectfully requested.

VII.   Rejection of Claim 9 Under 35 U.S.C. §103(a)

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Cowart (Mastering Windows 95) in view of Hasegawa, *et al.* (US 6,513,038) in further view of Newman, *et al.* (US 2004/0139231 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Cowart and Hasegawa, *et al.* do not teach each and every element of the subject invention as recited in the subject claims.

Claim 9 depends from independent claim 1. As noted *supra*, Cowart and Hasegawa, *et al.* do not teach or suggest *states include at least a packed state that causes items in the grouped categories to be displayed as a single icon when viewed from any higher level hierarchical folder outside of the grouped categories and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from any*

higher level hierarchical folder outside of the grouped categories as recited in independent claim 1. Furthermore, Newman, *et al.* fails to make up for the aforementioned deficiencies of these cited references with respect to independent claim 1. The cited reference discloses a system that allows for the exchange of contextual information between devices. The system also allows a display from a mobile device to be rendered on a desktop through a network connection. However, Newman, *et al.* is silent regarding a packed state and an unpacked state that controls display of items as disclosed in the subject claims..

In view of at least the foregoing discussion, applicant's representative respectfully submits that Cowart, Hasegawa, *et al.*, and Newman, *et al.*, alone or in combination fails to teach or suggest all limitations of applicant's invention as recited in independent claim 1 (and claim 9 that respectfully depends there from), and thus fails to make obvious the subject claimed invention. Therefore, withdrawal of this rejection is respectfully requested.

VIII.   Rejection of Claims 32 and 33 Under 35 U.S.C. §103(a)

Claims 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa, *et al.* (US 6,513,038) in view of Cowart (Mastering Windows 95). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Cowart and Hasegawa, *et al.* do not teach each and every element of the subject invention as recited in the subject claims.

Claims 32 and 33 depend from independent claim 28. As noted *supra*, Hasegawa, *et al.* does not teach or suggest *determining packed or unpacked states for a collection of data items; grouping the data items according to the determined states; displaying items that have been grouped and are associated with packed states as a single item in the display when viewed from any higher level hierarchical structural location outside of the group; displaying items that are grouped and are associated with unpacked states as individual items in the display when viewed from any higher level hierarchical structural location outside of the group* as recited in independent claim 28. Furthermore, Cowart fails to teach these novel features as discussed above in relation to the similar limitations of independent claims 1, 25, and 34.

In view of at least the foregoing discussion, applicant's representative respectfully submits that Cowart and Hasegawa, *et al.*, alone or in combination fails to teach or suggest all limitations of applicant's invention as recited in independent claim 1 (and claims 7, 8 and 16-19

that respectfully depend there from), and thus fails to make obvious the subject claimed invention. Therefore, withdrawal of this rejection is respectfully requested.

<div align="center">CONCLUSION</div>

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP532US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731